

APPEAL NO. 032365
FILED OCTOBER 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 11, 2003. The hearing officer determined that the respondent's (claimant) compensable injury of _____, extends to and includes the nervous system, post-concussive syndrome, eyes, ears, hips, waist, lumbar spine, thoracic spine, cervical spine, bilateral shoulders, bilateral thighs, bilateral ankles, bilateral knees, bilateral wrists, bilateral elbows, and pelvis. The appellant (carrier) appeals this determination and contends that the hearing officer's order regarding temporary income benefits is surplusage and, as such, it should be removed. The claimant urges affirmance of the hearing officer's decision and order.

DECISION

Affirmed.

The carrier requests that we strike the portion of the hearing officer's order and decision pertaining to temporary income benefits because entitlement to temporary income benefits was not an issue. As decisions regarding extent of injury potentially affect income benefits, we perceive no error in the inclusion of the complained-of language and decline to remove it from the decision.

Regarding the issue of extent of injury, both the claimant and the carrier presented substantial medical evidence to support their respective positions. The hearing officer was persuaded from the evidence that the claimant's compensable injury extends to and includes the alleged conditions and body parts. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **HIGHLANDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JAMES HOOKER
10370 RICHMOND
HOUSTON, TEXAS 77042.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge